

## **ORDINANCE NO. 514**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLUE LAKE AMENDING THE BLUE LAKE ZONING ORDINANCE NO. 382, AS PREVIOUSLY AMENDED, SECTIONS 610 (OFF-STREET PARKING FACILITIES), 618 (ACCESSORY BUILDINGS), 624 (LANDSCAPING), 625 (SITE PLAN APPROVAL), AND 627 (RESIDENTIAL SECOND UNITS)**

The City Council of the City of Blue Lake, Humboldt County, California, does hereby ordain as follows:

**Section 1. Findings.** The City Council for the City of Blue Lake hereby makes the following findings:

- A. After due notice and public hearing held at the regular meetings of the Blue Lake Planning Commission on September 21, 2015 and October 19, 2015, the Planning Commission duly adopted Resolutions 3-2015 and 4-2015 recommending amendments to Sections 610 (Off Street Parking Facilities), 618 (Accessory Buildings), 624 (Landscaping), 625 (Site Plan Approval) and, 627 (Residential Second Units) of the Zoning Ordinance, Ordinance 382 as previously amended.
- B. In accordance with Section 707 of Ordinance 382, the Planning Commission submitted a written report to the City Council concerning the recommended amendments to the Zoning Ordinance on October 27, 2015.
- C. In accordance with Section 708 of Ordinance 382, the City Council conducted a noticed public hearing on the proposed Zoning Ordinance amendments on November 10, 2015.
- D. The Zoning Ordinance amendments as proposed by the Planning Commission in Ordinances 3-2015 and 4-2015 are consistent with the existing applicable general plan and specific plans.

**Section 2. Amendments.** Sections 610 (Off Street Parking Facilities), 618 (Accessory Buildings), 624 (Landscaping), 625 (Site Plan Approval) and, 627 (Residential Second Units), as adopted initially by Ordinance No. 382 and subsequently amended, are hereby amended as shown by the following with new text indicated in bold and deleted text as bold strikethrough:

- A. Section 610, Off-Street Parking Facilities, as set forth in Exhibit “A”, attached hereto and made a part hereof.
- B. Section 618, Accessory Buildings, as set forth in Exhibit “B”, attached hereto and made a part hereof.
- C. Section 624, Landscaping, as set forth in Exhibit “C”, attached hereto and made a part hereof.
- D. Section 625, Site Plan Approval, as set forth in Exhibit “D”, attached hereto and made a part hereof.
- E. Section 627, Residential Second Units, as set forth in Exhibit “E”, attached hereto and made a part hereof.

**Section 3.** Said revised Sections 610, 618, 624, 625 and 627 are hereby integrated into Ordinance 382 as previously amended. All other provisions of Ordinance 382 as amended shall remain unaffected and in full force and effect.

**Section 4.** To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior city ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

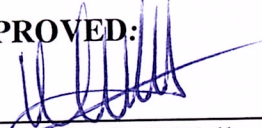
**Section 5.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

**Section 6.** This action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the CEQA Guidelines allowing for minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use density; and, Section 15308 of the CEQA Guidelines allowing actions taken by regulatory agencies, as authorized by state or local ordinance, to assure

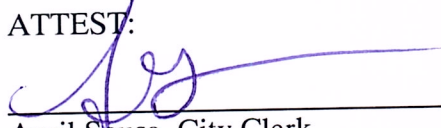
the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

**Section 7.** This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption.

**APPROVED:**

  
Michele McCall-Wallace, Mayor

ATTEST:

  
April Sousa, City Clerk

#### CLERK'S CERTIFICATE

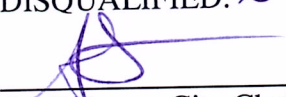
**THIS IS TO CERTIFY** that Ordinance No. 514 of the City Council of the City of Blue Lake was introduced and read at the regular meeting of the City Council of the City of Blue Lake, California, held on Dec. 8, 2015. This Ordinance, again read at the regular meeting of the Blue Lake City Council, held on Jan 12, 2016 and at the time, passed by roll call vote, the vote on the adoption of the Ordinance being as follows:

AYES: McCall-Wallace, Kullmann, Sawatzky, Jones

NOES: Lynch

ABSENT: 0

DISQUALIFIED: 0

  
April Sousa, City Clerk, City of Blue Lake



**ORDINANCE NO. 514**  
**EXHIBIT "A"**

610. OFF-STREET PARKING FACILITIES. The purpose of off-street parking facilities is to alleviate or to prevent traffic congestion and shortage of curb spaces. Off-street parking facilities shall be provided incidental to new uses and major alterations and enlargements of existing uses.

SCHEDULE OF OFF STREET PARKING REQUIREMENTS

Land Use	Number of Off Street Parking Spaces for Each Measurement Unit
<div>one (1)</div> <div>A. <del>Residential, including single</del> family, two family, second units, and apartments.</div>	<div>One for each dwelling unit containing or fewer bedrooms</div> <div>Two for each dwelling unit containing more than one (1) bedroom</div> <div>One additional space is required when</div>
no	<div>on street parking is available on the lot frontage. (Amended by Ord. 399)</div>
<div>B. <del>Motels, Hotels and</del> <del>Rooming Houses</del></div>	<div>2 for each living or sleeping unit</div> <div>plus 1 space for each three employees</div>
<div>C. <del>Trailer Parks</del></div>	<div>1 for each trailer unit plus</div> <div>1 additional space for each 4 units</div>
<div>D. <del>Industrial; Manufacturing,</del> <del>Warehousing, Lumbering</del></div>	<div>1.35 per employee per shift</div>
area	<div>E. <del>Commercial;</del> retail (grocery, pharmacy,</div>
department store, etc.)	<div>1 for each 150 sq. ft. of gross floor</div>
area	<div>banks</div> <div>1 for each 150 sq. ft. of gross floor</div>



area	professional,	1 for each 300 sq. ft. of gross floor
area	administrative automobile and machinery	1 for each 500 sq. ft. of gross floor
area	sales, garages and similar repair, furniture stores, major appliance stores	
area	medical and dental offices,	1 for each 300 sq. ft. of gross floor
	shopping centers	
	restaurants, bars, coffee shops	1 for every 3 seats
	bowling alleys, pool halls	4 for each lane, 2 spaces for each billiard table
F.	<del>Institutional, Educational</del> <del>Civic; hospitals</del>	2 for each bed (includes employees' and visitors' parking)
	rest homes, asylums, sanatoriums, nursing homes, etc.	1 for every 2.5 beds
	churches, lodges, clubs, theaters	1 for every 5 seats in the auditorium plus 1 space for every 4 employees
	sports arenas, auditoriums, other places of public assembly	1 for every 5 seats in the auditorium.
	adult education	1 for every 2 students, 2 teachers, and 2 employees
	private schools, elementary schools or day care schools or facilities	1 for every 3 students, 1 teacher, and 1 employee

**A. Schedule of Off-Street Parking Requirements**

Land Use	Number of Off-Street Parking Spaces Required
<u>Residential</u> (including single-family, two-family, <b>multi-family</b> , <del>second units</del> , and accessory dwelling units apartments)	1 for each dwelling unit containing one or fewer bedrooms; 2 for each dwelling unit containing more than one bedroom <del>One additional space is required when no parking is available on the lot frontage. (Amended by Ord. 399)</del>
<u>Motels, Hotels, and Rooming Houses</u>	<del>2</del> 1 for each living or sleeping unit, plus 1 space for every three employees
<del>Trailer</del> <b><u>Mobile Home Parks</u></b>	1 for each trailer unit plus 1 additional space for each 4 units
<u>Industrial</u> : Manufacturing, Warehousing, Lumbering, <b>Aggregate Extraction</b>	1 per 1.35 shift employees <b>or 1 for each 800 sq. ft. of gross floor area whichever is more applicable as determined by the City Planner</b>
<u>Commercial</u>  -retail (grocery, pharmacy, department store, etc.), banks, professional, administrative, medical and dental offices  -automobile and machinery sales, garages and similar repair, furniture stores, major appliance stores  -restaurants, bars, dance clubs, coffee shops, bowling alleys, pool halls	1 for each <del>150</del> <b>300</b> sq. ft. of gross floor area  1 for each 500 sq. ft. of gross floor area  1 for every three seats; <del>4</del> <b>3</b> for each lane; <del>2</del> <b>1</b> for each billiard table
<u>Institutional, Educational, Civic</u>  -hospital  -rest homes, nursing homes, care facilities, etc.  -churches, lodges, clubs, theaters, sports arenas, auditoriums, other places of public assembly	2 for each bed (includes employee and visitor parking)  1 for every 2.5 beds  1 for every <del>five</del> <b>six</b> seats in the auditorium, plus 1 space for every four employees

-adult education	1 for every two students, <del>two teachers, and two employees</del> <b>1 for every two teachers</b> <b>1 for every two employees</b>
-private schools, elementary schools or day-care schools or facilities	1 for every <del>three ten</del> students, <del>one teacher, and one employee</del> <b>1 for every one teacher</b> <b>1 for every one employee</b>

#### G. B. Additional Requirements and Exceptions

1. More Than One Use on a Site. If more than one use is located on a site, the number of parking spaces provided shall be equal to the sum of the requirements prescribed in this section for each use.

2. ~~Off-Street Parking Facilities to Serve One Use. Off-street parking facilities to serve one use shall not be considered as providing required off-street parking facilities for any other use.~~ **Off-street parking for one use may be applied toward a second use if it can be shown that restriction of hours prevents overlapping of uses.**

~~3.—The City discourages a land use being provided more off-street parking spaces than required by this section, to avoid the inefficient use of land, unnecessary pavement, and excessive stormwater runoff from paved surfaces.~~

3. Reduction of Off-Street Parking Facilities. No off-street parking facility shall be reduced in capacity or in area without sufficient additional capacity or additional area being provided to comply with the regulations of this Article. **Exception may be made by the Planning Commission with a use permit or as described below in subsection B(4).** ~~or in the following circumstances:~~

a. ~~Reduction of one (1) off-street parking space shall be allowed for new land uses in a C or MU district that occur within two-hundred fifty (250) feet of a bus stop.~~

b. ~~Reduction of one (1) off-street parking space shall be allowed for land uses that provide four (4) permanent bicycle parking spaces. Each bicycle parking or storage space shall be no less than six feet long by two feet wide, plus additional space as may be needed for access, and shall have a rack or rain-sheltered structure capable of supporting and securing bicycles of various types and~~



~~sizes in an upright position. Each space shall be conveniently located for intended uses.~~

~~c. Reduction of one (1) off-street parking space shall be allowed for land uses that provide four (4) parking spaces with pervious pavement subject to the provisions contained in Section 63\_\_.~~

~~4. Exemption for Sites in Parking Assessment District. In a municipal parking assessment district, residential and motel uses shall be subject to only half of the off-street parking facilities requirements.~~

**4. The Planning Commission City Planner may waive off-street parking spaces otherwise required based on the historical nature of the property, the architectural or landscaping amenities that would be displaced by parking, or the availability of space on a parcel with existing improvements, the proximity to a bus stop or other alternative transportation facilities, the provision of bicycle parking spaces, or the provision of pervious parking spaces.**

**5. Existing Uses.** No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking facilities prescribed in this section, provided that facilities being used for off-street parking on 8 November 1973 shall not be reduced in area to less than the minimum standards prescribed in this section. **Exception may be made by the Planning Commission with a use permit or as described above in subsection B(4).**

#### H. C. Standards for Off-Street Parking Space

1. The minimum off-street parking dimensions shall be as prescribed in the following table, except that a parking space ~~required to be~~ located in a garage or carport shall be not less than 20 feet in length and 10 feet in width.

~~a. Description of dimension; parking space width, perpendicular to angle.~~

**PARKING ANGLE**

0°	20°	30°	40°	45°	50°	60°	70°	80°	90°
8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"

b. ~~— Description of dimension; parking space dimension perpendicular to aisle.~~

**PARKING ANGLE**

0°	20°	30°	40°	45°	50°	60°	70°	80°	90°
8'6"	14'6"	16'10"	18'8"	19'5"	20'	20'8"	20'9"	20'2"	19'

c. ~~— Description of dimension parallel to aisle.~~

**PARKING ANGLE**

0°	20°	30°	40°	45°	50°	60°	70°	80°	90°
23'	24'8"	17'	13'2"	12'	11'1"	9'10"	9'	8'7"	8'6"

d. ~~— Description of dimension; aisle width.~~

**PARKING ANGLE**

0°	20°	30°	40°	45°	50°	60°	70°	80°	90°
12'	11'	11'	12'	13'6"	12'6"	18'6"	19'6"	24'	25'

Parking Angle	Width	Length	Drive Aisle Width (maneuvering areas)	
			One-Way	Two-Way
Parallel	8.5'	23'	12'	20'
30 degrees	8.5'	17'	11'	20'
45 degrees	8.5'	19.5'	13.5'	20'
60 degrees	8.5'	21'	18.5'	20'
Perpendicular	8.5'	19'	25'	25'

2. Sufficient aisle space for readily turning and maneuvering vehicles shall be provided on the site, except that no more than 2 parking spaces per site may be

located so as to necessitate backing a vehicle across a property line abutting a street. Alleys may be used for maneuvering.

3. Each parking space shall have unobstructed access from a street or alley or from an aisle or drive connecting with a street or alley without moving another vehicle.

4. Entrances from and exits to streets and alleys shall be provided at locations approved by the Director of Public Works. **Fences shall be recessed or constructed at such a height that sufficient vision clearance is provided in accordance with Section 619 of this ordinance. All doors or gates in fences, walls or hedges shall not open outwardly if located within two (2) feet of a street, alley or public walk.**

5. The parking area, aisles and access drives shall be paved so as to provide a durable, dustless surface, except that ~~for a single family residential use,~~ an alternative durable, dustless surface may be approved by the City Planner, and shall be so graded and drained as to dispose of surface water without damage to private or public properties, streets or alleys.

6. Bumper rails shall be provided at locations prescribed by the ~~Director of Planning~~ **City Planner** where needed for safety or to protect property.

7. If the parking area is illuminated, lighting shall be deflected away from residential sites **and natural areas** so as to cause no annoying glare.

8. **Except for emergencies,** ~~No~~ **no** repair work or servicing of vehicles shall be conducted on a parking area.



**ORDINANCE NO. 514**  
**EXHIBIT "B"**

618. **ACCESSORY BUILDINGS.**

**A. Types of Accessory Buildings**

**An Accessory Building is an attached or detached subordinate building, the use of which is incidental to that of the main building on the same lot. Accessory buildings come in a variety of types, including but not limited to, buildings used for the storage of household goods (e.g. sheds), gardening or animal keeping (e.g. greenhouses, chicken coops, etc.), parking of vehicles (e.g. garages, carports, etc.), recreational activities (e.g. workshop, game room, etc.) or other uses (e.g. office, guest houses, etc.). A building designed with kitchen facilities is defined as a residential unit and is subject to the requirements of this ordinance pertaining to residential uses.**

**A. B. Attached Accessory Buildings**

**Accessory buildings to be attached to the main building shall be made structurally a part thereof and shall comply in all respects with the requirements of this ordinance applicable to the main building except as provided in ~~Section subsections 618 (B)-(3)~~ C(4)(c) & D. This includes, but is not limited to, complying with the setbacks, ground coverage, and height limits of the applicable zone. An attached accessory building shall not be accessible from the interior of the main building on the lot. Accessory buildings attached to single-family residential structures must also comply with the Development Standards contained in Section 626 of this ordinance. Alternatives to the standards in Section 626 require obtaining an Exception from the Planning Commission.**

**B. C. Detached Accessory Buildings.**

**1. Detached accessory buildings ~~unless attached to or made a part of the main building as above provided for,~~ shall not be closer than ten (10) feet to the main building., unless constructed with a fire wall as required in the Uniform Building Code (UBC). The distance between buildings is measured from outside wall to outside wall.**

**2. Detached accessory buildings ~~shall not that exceed one (1) story nor sixteen (16) feet in height or 256 s.f. in size shall comply with the same rear yard~~**

setback and height requirements applicable to the main building except as provided in subsection D.

3. Detached accessory buildings must comply with the maximum ground coverage requirements of the applicable zone.

~~3. 4.~~ Detached accessory buildings ~~used solely for storage of household goods (not including private garages)~~ shall conform to the following additional regulations as to their location upon the lots, **except as provided in subsection D of this ordinance:**

- a. Shall not encroach on the front or side yard of any lot.
- b. ~~Shall not project beyond the front yard required on the adjacent lot in the case of a corner lot.~~ **On a corner lot, the minimum setback from any property line with street frontage shall be equal to the front yard required on the adjacent lot.**
- c. May be located within the rear yard setback provided they: **1) do not exceed 256 square feet in lot coverage; 1) 2) are not closer than 3 feet to the rear property line and 4 feet to the side property line; 2) 3) do not exceed in height 7 feet, except that the height may be increased one additional foot for each additional foot the structure is set back from the nearest applicable minimum setback line (e.g., 4 foot side, 3 foot rear), to a maximum of 16 feet (e.g. 12 foot rear yard setback, 13 foot side yard setback); 3) do not exceed 144 square feet in lot coverage; 4) are utilized solely for the purpose of storage of household goods; and 5) 4) require no utilities except electrical services. An attached accessory building may also be located in the rear yard setback subject to the above requirements as referenced in subsection B.**

#### ~~C.~~ D. Private Garages

**Private garages are attached or detached Aaccessory buildings utilized for private garages the storage of vehicles and include covered parking spaces and carports.** Private garages may be located within the rear yard setback provided they are not closer than 4 feet to the rear property line **and do not exceed sixteen (16) feet in height.**

**E. Size Limitation**

Any accessory structure that exceeds 640 s.f. or 60% of the floor area of the main building on the lot, whichever is less, shall be required to obtain site plan approval in accordance with Section 625 of this ordinance.

**~~D.~~ F. Conversions of Accessory Buildings**

Accessory buildings constructed in conjunction with exceptions allowed by subsections ~~B3~~ C(4) and ~~E D~~ above shall, if later converted, require modification or relocation to be in conformance with all provisions of the Zoning Ordinance.

**~~E.~~ G. Accessory Buildings for Animals**

Locations of accessory buildings for animals - See Zoning Ordinance Section 602. (Amended by Ord. 443)

**H. Other Regulations**

1. Site plan approval, in accordance with Section 625 of this ordinance, shall be required for all accessory buildings that require a building permit in the M, ML, RC, and SC Zones.

2. Second-story windows which face an adjoining residential property shall be designed to protect the privacy of neighbors. This shall be accomplished through the installation of opaque windows or the placement of windows at a height or orientation which prevents views of adjacent residential properties.



**ORDINANCE NO. 514**  
**EXHIBIT "C"**

624. LANDSCAPING.

A. General Requirements

All screening and landscaping, **except existing natural vegetation**, shall be permanently maintained in neat and orderly condition by the owner. Plant materials shall be watered, weeded, pruned and replaced as necessary to screen or ornament the site. **The provision of required landscaping and maintenance shall be the responsibility of the property owner.** Landscaping features including fences, hedges, trees and ornamental vegetation shall conform to height and other regulations specified in Section 619, Vision Clearance and Fence Regulations.

B. Landscaping Requirements for R-3, and C, Zones, and for Mobile Home Parks

The following **landscaping requirements** apply in a ~~the~~ Residential Multiple Family (R-3) Zone, ~~and in any~~ Commercial (RC and SC) Zone, ~~the~~ Mixed Use (MU) Zone, the Industrial (M) Zone and Light Industry (ML) Zones, ~~and the Public Facility (PF) Zone. and in a mobile home park:~~ **The requirements are also applicable to mobile home parks and multi-family residential developments consisting of four (4) or more units.**

1. A portion of the site visible from the street and comprising not less than ~~three (3)~~ **ten (10)** percent of the site area shall be landscaped with plant materials suitable for ornamenting the site. **Developments proposing to landscape with drought tolerant and/or local plant species shall be allowed a reduced site area landscaping requirement of six (6) percent, except in the Residential Multiple Family (R-3) Zone and for mobile home parks and multi-family residential development consisting of four (4) or more units.**

2. Existing natural vegetation can be counted towards a maximum of 50% of the site area landscaping requirement.

3. Required landscape improvements shall be installed prior to final building inspection or commencement of the approved use.

~~2.~~ 4. A pre-existing use shall not be deemed nonconforming by reason of failure to meet this requirement.

~~3.~~ **5.** The landscaped area required to be provided for an expansion of a use shall be in addition to landscaped area existing prior to the expansion, unless the pre-existing area exceeds the required minimum, in which case it shall be counted as part of the total area required.

~~4.~~ **6.** The Planning Commission may waive **or reduce** the requirements of this section for ~~the Retail Commercial or RC Zone~~ **any zone** when such waiver would better allow the proposed use to blend in with ~~the commercial neighborhood~~ **surrounding development**.

**ORDINANCE NO. 514**  
**EXHIBIT "D"**

625. **SITE PLAN APPROVAL.** The purpose of this regulation is to promote Blue Lake's orderly and harmonious development, the stability of land values and investments, and in order to help prevent excessive and unsightly grading of hillsides **and removal of vegetation** or the erection of structures of unsightly appearance. Applications for development permits shall be reviewed by the Planning Commission. ~~The ugly, the inharmonious and the monotonous shall be discouraged, but originality in architecture, site planning and landscape design shall not be suppressed.~~

A. Approval Required

Site ~~plan~~ **Plan Approval from the Planning Commission** is required for the following areas:

1. Any use requiring site plan **approval** in the zoning regulations.
2. Any use requiring a conditional use permit.

B. Application

Application shall be made by the property owner or agent on a form prescribed for this purpose by the City.

C. Accompanying Maps and Drawings Required

**A complete application, including M**maps and drawings, ~~in duplicate, in a preliminary stage,~~ shall be submitted not less than **7 30** days prior to the meeting of the Planning Commission at which the same shall be considered, and shall indicate the following:

1. Site plan, drawn to scale, showing the proposed layout of the structures and other improvements on subject property and on adjoining properties.
2. Landscape plan sketch, drawn to scale, showing the location and design of landscaped area and the variety of plant materials, and other landscape features.
3. Sketch, drawn to scale, showing the distribution of the height and bulk of proposed structures.



4. Sketch, drawn to scale, showing elevations of proposed structures as they will appear upon completion with specification of exterior surfacing material and color.

5. Designation of areas to be computed as usable open space, including balconies, roof decks, patios, and other spaces or areas at grade, as appropriate.

6. Designation of future general location of "street furniture" such as: fire hydrants, poles for traffic signs, utility or telephone installations, etc.

#### **D. Public Hearing and Notice**

**Notice of Planning Commission hearing shall be provided to all property owners within 300 feet of the project site not less than ten (10) days prior to the hearing date for all site plan approval applications subject to the California Environmental Quality Act (CEQA).**

#### **D. E. Duties and Responsibilities of Planning Commission**

1. ~~Within 30 days of the date the drawings are submitted for site plan review~~ **At the Planning Commission meeting at which the site plan is reviewed**, the Commission shall approve the drawings or shall advise the applicant of any recommendations for conditional approval, modification, or disapproval.

2. If the Commission approves the drawings, or if the conditions or modifications recommended by the Commission are acceptable to the applicant, drawings shall be approved in the form recommended by the Commission.

#### **E. F. Principles to be Followed**

Areas of aesthetic and site plan consideration shall include, but are not necessarily limited to the following:

1. Review of buildings or structures for scale, mass, proportion, use of materials, relationship to adjacent elements and relationship to the community as a whole.

2. Review of proposed exterior color and material application with relationship to adjacent architectural or natural elements.

3. Review of proposed location, height and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent development or to conceal storage area, utility installations or other unsightly development. The planting of ground cover or other surfacing to prevent dust and erosion. The unnecessary destruction of existing healthy trees **and woody vegetation**.

4. Review of location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures, in relation to traffic hazards and the appearance and harmony with the environment.

5. Review of location, height and material of walls, fences, hedges and screen plantings.

6. Review of site layout considering the orientation and location of buildings and open spaces in relation to the physical characteristics of the site, the character of the neighborhood, the appearance and harmony of the buildings with adjacent development and the surrounding landscape.

7. Review of the effect of the site development plan on traffic conditions on abutting streets. The layout of vehicular and pedestrian entrances, exists, drives and walkways. The adequacy of off-street parking facilities to prevent traffic congestion. The location, arrangement, and dimensions of truck loading and unloading facilities. The circulation patterns within the boundaries of the development. The surfacing and lighting of off-street parking facilities.

8. Review of the effect of the site development plan on the adequacy of storm and surface water drainage.

**9. Review of the location, height, size, wattage, and shielding of outdoor lighting.**

**9. 10.** Nothing contained herein shall be construed as restricting or curtailing any of the powers of the Planning Commission of the City of Blue Lake.

#### **F. G. Appeals**

Appeals shall be governed by Section 760 through 765, inclusive, of this ordinance.

#### **G. H. Conformance to Approval**

Development for which site approval has been granted shall conform to the approval and any conditions attached thereto.



**ORDINANCE NO. 514**  
**EXHIBIT "E"**

627. ~~RESIDENTIAL SECOND ACCESSORY DWELLING~~ **UNITS.** The purpose of this section is to provide a mechanism for allowing ~~residential-second~~ **accessory dwelling** units in certain residentially zoned districts, thereby providing the opportunity for the development of small housing units designed to meet the special housing needs of one-person and two-person households. Furthermore, the purpose of these provisions is to allow the more efficient use of the City's existing stock of dwellings, to provide housing units for family members who are elderly or disabled, to avoid parking problems in residential neighborhoods, and to protect property values and the single-family character of a neighborhood by insuring that ~~second~~ **accessory dwelling** units are developed under such special conditions as may be appropriate to further the purpose of this section. This section implements the provisions of Government Code Sections 65852.1, 65852.150, and 65852.2.

A. Definitions For the purposes of this section, unless otherwise apparent from the context, certain terms used herein are defined as follows:

1. "Primary Unit" shall mean the primary existing single-family residential dwelling unit which provides complete independent living facilities for one or more persons.

2. "~~Second~~ **Accessory Dwelling** Unit" shall mean an attached or detached residential dwelling unit situated on the same lot as a primary unit, which provides complete independent living facilities for one or more persons.

B. Special Use Permit Required A new ~~residential-second~~ **accessory dwelling** unit may be permitted in accordance with Government Code Section 65852.2 subject to a special use permit, and subject to the standards set forth in this section.

C. ~~Second~~ **Accessory Dwelling** Unit Development Standards The following development standards shall apply to the approval and development of each ~~residential~~ **second accessory dwelling** unit:

1. No more than one ~~residential-second~~ **accessory dwelling** unit shall be permitted on any one parcel or lot.

2. A ~~residential-second~~ **accessory dwelling** unit may only be permitted on a residential lot on which one detached residential primary unit is already built and occupied.

3. The ~~second~~ **accessory dwelling** unit must be either attached to the primary unit and located within the living area of the primary unit, or detached from the primary unit and located on the same lot as the primary unit. ~~The floor area of an attached second unit shall not exceed 25% of the existing living area of the primary unit or 640 square feet, whichever is less. The total area of floor space of a detached second unit shall not exceed 640 square feet.~~ **The maximum size limits for attached and detached accessory dwelling units by lot size are shown in Table 1 below.**

**Maximum Accessory Dwelling Unit (ADU) Size**

Lot Size	ADU TYPE		Setbacks
	Attached	Detached	
6,000-7,999 s.f.	<del>25%</del> 30%* or 640 s.f.; whichever is less	640 s.f.	Same as Zone
8,000-9,999 s.f.	30%* or 750 s.f.; whichever is less	750 s.f.	F-20'/S-6'/R-22'
>10,000 s.f.	30%* or 900 s.f.; whichever is less	900 s.f.	F-25'/S-10'/R-25'

\* percentage of the floor area of the existing living area of the primary unit

4. ~~Residential second~~ **Accessory dwelling** units may not be permitted on residential lots already having two or more dwelling units located thereon.

5. The ~~residential second~~ **accessory dwelling** unit shall comply with, and be subject to all the development standards of the zone in which it is located, including, but not limited to, parking, height, setbacks, yards, and lot coverage, except as otherwise herein provided.

6. One off-street parking space shall be required for the ~~second~~ **accessory dwelling** unit in addition to any off-street parking spaces required for the primary unit as provided by this ordinance, as amended from time to time.

7. The ~~second~~ **accessory dwelling** unit shall not be constructed so as to cause the primary unit to conflict with development standards applicable to the zone in which it is located.

8. Code compliance shall be as follows:

a. Minimum housing code compliance shall be required for the primary unit.

b. The ~~second~~ **accessory dwelling** unit shall comply with all provisions of Blue Lake building regulation ordinances in effect at the time of approval



of the special use permit, including but not limited to all uniform codes adopted by reference.

c. Products of combustion detectors shall be required for each primary and ~~second~~ **accessory dwelling** unit.

9. If a separate entrance is provided for the ~~second~~ **accessory dwelling** unit, it shall be subordinate to the main entrance of the primary unit.

10. The minimum lot size of the lot on which the ~~second~~ **accessory dwelling** unit may be built shall be 6,000 square feet. The lot shall have a minimum width of 50 feet and minimum depth of 80 feet.

11. Either the primary unit or the ~~second~~ **accessory dwelling** unit must be occupied as a principal residence of the property owner. **If the owner occupancy requirement is not complied with the following shall occur: 1) the special use permit approved for the accessory dwelling shall be revoked; 2) the kitchen shall be removed from the accessory dwelling unit; and 3) the accessory dwelling unit shall not be rented as a separate independent living unit from the primary unit.**

12. The ~~second~~ **accessory dwelling** unit shall be metered separately from the primary unit for gas, electricity, and water services.

13. An ~~second~~ **accessory dwelling** unit shall not be permitted for lots on which the primary unit is a manufactured home, and no ~~second~~ **accessory dwelling** unit shall be a manufactured home.

14. Prior to the issuance of a building permit for an ~~second~~ **accessory dwelling** unit, a deed restriction to run with the land, in a form satisfactory to the City Attorney, shall be recorded with the County Recorder to evidence and give notice of the requirements of this section.

D. Findings Required No special use permit for an ~~residential-second~~ **accessory dwelling** unit may be approved unless the City Planner first makes the following findings:

a. The ~~second~~ **accessory dwelling** unit is compatible with the design of the main unit and the surrounding neighborhood in terms of landscaping, scale, height, length, width, bulk, lot coverage, and exterior treatment, and will not cause excessive noise, traffic, or other disturbances to the existing neighborhood or result in significantly adverse impacts on public services and resources.



b. The ~~second~~ **accessory dwelling** unit will not tend to change the character or cause a concentration of such units sufficient to change the characteristic of the residential neighborhood in which it is located.

E. Environment The approval of ~~an residential-second~~ **accessory dwelling** unit as provided by this section shall be exempt from the provisions of the California Environmental Quality Act.

F. Existing Second Accessory Dwelling Units This section shall in no way validate any existing illegal ~~second~~ **accessory dwelling** unit. An application for a special use permit may be made pursuant to the provisions of this section to convert an illegal ~~second~~ **accessory dwelling** unit to a conforming legal ~~second~~ **accessory dwelling** unit, and the standards and requirements for said conversion shall be the same as for a newly proposed ~~second~~ **accessory dwelling** unit.

G. Limitation Any single-family dwelling (primary unit) constructed after October 26, 1989, the effective date of this section, shall be ineligible for a ~~second~~ **accessory dwelling** unit within the first five years after issuance of a certificate of occupancy for such primary unit.

H. Consistency With General Plan Any ~~residential-second~~ **accessory dwelling** unit for which a special use permit is issued pursuant to this section shall be deemed not to exceed the allowable density for the lot or parcel on which it is located and shall be deemed to be a residential use which is consistent with the existing General Plan and zoning designation for the lot pursuant to Government Code Section 65852.2.

I. Parcel Map Waiver For any ~~residential-second~~ **accessory dwelling** unit for which a special use permit is issued pursuant to this section, the requirement of a Parcel Map is hereby waived pursuant to Government Code Section 66428.

J. Procedure A special use permit for ~~residential-second~~ **accessory dwelling** units pursuant to this section shall not be subject to the procedures set forth in Section 730 through 738, inclusive, of this ordinance, but instead shall be subject to the following procedures:

1. Application for a special use permit shall be filed at City Hall or the office of the City Planner upon a form provided, and shall be accompanied by such information as may be required to describe fully the proposed use for which the permit is sought. Fees must be paid in advance according to the City's current master fee schedule.

2. The application shall be accompanied by an accurate scale drawing of the site and the surrounding area for a distance of at least 300 feet from each boundary of the site.

3. The City Planner may issue a special use permit without a public hearing if the Planner finds from the application that the use complies with the requirements of this section.

4. The granting of the special use permit may be made subject to terms and conditions attached thereto and made a part thereof.

5. The action of the City Planner shall be in writing and shall be filed with the City Clerk as soon as practicable following the taking of the action.

6. Appeals from actions of the City Planner shall be governed by Sections 760 through 765, inclusive, of this ordinance.

7. If a decision of the City Planner denying a special use permit is reversed on appeal, or a decision granting a special use permit is modified on appeal, the ~~City Council~~ **body deciding the appeal** on the basis of the record transmitted by the City Clerk and such additional evidence as may be submitted, shall make the findings requisite to the granting of such special use permit.

8. A special use permit granted pursuant to the provisions of this section shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the special use permit application. (Added by Ord. 469)